

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

NOV - 1 2018

David J. Bradley, Clerk

United States of America

v.

Gerardo Jesus HERNANDEZ
(YOB: 1985, COB: U.S.)

Case No.

18-2260-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1324(a)(1)(A)(ii)

8 U.S.C. § 1324(a)(1)(A)(v)(I)

Knowing or in reckless disregard of the fact that Hector MOSQUEDA-Campos (COB: Mexico), Arturo CARBAJAL-Fajardo (COB: Mexico) and three (3) others, for a total of five (5), who were aliens, had come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; to wit: transportation by vehicle near Sullivan City, Texas.

This criminal complaint is based on these facts:

SEE "ATTACHMENT A"

✓ Continued on the attached sheet.

Approved by



Complainant's signature

Javier Fabela, HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/1/20188:26 am

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Javier Fabela, am a Task Force Officer (TFO) assigned to the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On October 31, 2018, Texas Department of Public Safety (DPS) conducted a vehicle stop resulting in a human smuggling case with Gerardo Jesus HERNANDEZ (driver) and five (5) undocumented aliens (UDAs). HERNANDEZ and the five (5) UDAs were transported to the McAllen U.S. Border Patrol Station for processing. HSI TFOs were notified as to the facts of the case and responded to the McAllen U.S. Border Patrol Station.
2. At the McAllen U.S. Border Patrol Station, HERNANDEZ was read his Miranda Rights in his preferred language of English. HERNANDEZ waived his rights in writing and consented to speak with agents without an attorney present.
3. Post Miranda, HERNANDEZ gave the following non-verbatim statement:
4. HERNANDEZ said that a human smuggler called him and offered to pay him \$200.00 U.S. dollars per UDA to transport the UDAs to the Walmart located in Penitas, Texas. HERNANDEZ told agents that he accepted the offer and the human smuggler instructed him to go to the Post Office located in Los Ebanos, Texas. HERNANDEZ stated that ten (10) minutes later he drove and saw the UDAs run from the brush toward his vehicle. A total of five (5) UDAs boarded HERNANDEZ' vehicle and two individuals ran back into the brush. HERNANDEZ stated that he instructed the UDAs to duck down and conceal themselves.
5. At the McAllen Border Patrol Station, Hector MOSQUEDA-Campos was read his Miranda Rights in his preferred language of Spanish. MOSQUEDA-Campos waived his rights in writing and consented to speak with agents without an attorney present.
6. Post Miranda, MOSQUEDA-Campos gave the following non-verbatim statement:
7. MOSQUEDA-Campos admitted that he is a citizen and national of Mexico and that he is illegally present in the United States. MOSQUEDA-Campos said he paid \$2,300.00 USD to a human smuggler in Mexico to be smuggled into the United States. MOSQUEDA-Campos stated that he entered the U.S. on October 31, 2018. MOSQUEDA-Campos stated that he was instructed by the brush guides that a sand colored four door car would be waiting to pick him up. MOSQUEDA-Campos stated he and the other UDAs walked about two minutes after being illegally smuggled into the U.S. MOSQUEDA-Campos said that when he and the other UDAs came out of the brush, they saw the vehicle they had been instructed to get into approach them and they entered the vehicle.
8. MOSQUEDA-Campos positively identified Gerardo Jesus HERNANDEZ in a photo lineup.

9. At the McAllen Border Patrol Station, Arturo CARBAJAL-Guajardo was read his Miranda Rights in his preferred language of Spanish. CARBAJAL-Guajardo waived his rights in writing and consented to speak with agents without an attorney present.
10. Post Miranda, CARBAJAL-Guajardo gave the following non-verbatim statement:
11. CARBAJAL-Guajardo admitted that he is a citizen and national of the country of Mexico and that he was illegally present in the United States. CARBAJAL-Guajardo stated that he entered the U.S. on October 31, 2018. CARBAJAL-Guajardo stated that upon crossing the Rio Grande River, they were led by the brush guide toward the roadway. MOSQUEDA-Campos said the group saw a cream color sedan arrive. CARBAJAL-Guajardo said that after getting into the car, the group was instructed to get down. CARBAJAL-Guajardo said that all five (5) UDAs got in the back seat and were not given enough time to fasten their seat belts before the vehicle drove off. CARBAJAL-Guajardo stated that he could hear the driver and the passenger talking in English. CARBAJAL-Guajardo said the driver looked approximately twenty-six years old (26) and the passenger was looked to be approximately seventeen (17) years old. CARBAJAL-Guajardo stated that the driver was wearing a black shirt.